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**DECISION**21090  
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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548**FILE:** B-206433**DATE:** March 10, 1982**MATTER OF:** Lowy's Express, Inc.**DIGEST:**

1. Where solicitation does not require specific license, bidder's alleged or actual lack of license is not a bar to affirmative determination of responsibility because possession of license is not a prerequisite to award.
2. Where protester's initial submission clearly shows protest is without legal merit GAO will summarily deny the protest without requesting an agency report.

Lowy's Express, Inc. (Lowy), protests the Army's denial of its protest against any award to Dahill Moving and Storage (Dahill), the low bidder, under solicitation No. DAAB07-82-B-Q016 issued by Headquarters, United States Army Communications-Electronics Command, and Fort Monmouth, New Jersey. Lowy argues that Dahill's lack of an appropriate New Jersey license precludes the Army from making the required affirmative determination of Dahill's responsibility. The Army correctly denied Lowy's protest.

There is a distinction between a solicitation requirement that bidders have a particular license and a general requirement that bidders comply with applicable state and local licensing requirements. Where the solicitation specifically calls for a particular license, the bidders compliance is a matter of responsibility which the contracting officer must resolve prior to award. However, where the solicitation requirement is general in nature we have held that possession of any particular license is not a prerequisite to award but rather a matter to be resolved between the bidder and the licensing authority. 53 Comp. Gen. 51 (1973); National Office Moving Company; Keahey Moving and Storage, B-203304, January 4, 1982, 82-1 CPD \_\_\_\_.

There is no indication that a specific license was required in the solicitation. Moreover, the Army letter denying Lowy's protest to the agency indicates that the Army checked with the New Jersey licensing authority and was advised that a New Jersey license was not required. In view of the above, we cannot question the Army's determination that Dahill is a responsible contractor.

It is clear from Lowy's submission that the issue presented is without legal merit. We are therefore deciding the protest without obtaining an agency report since it would serve no useful purpose. Northern Illinois University, B-194055, March 15, 1979, 79-1 CPD 184.

Accordingly, the protest is summarily denied.

for   
Comptroller General  
of the United States